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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/747,218	12/21/2000	Stephen Meyers	4925-67	4925-67 3215	
7590 01/19/2005		EXAMINER			
Michael C. Stuart, Esq.			RUDY, ANDREW J		
Cohen, Pontani, Lieberman & Pavane Suite 1210			ART UNIT	PAPER NUMBER	
551 Fifth Avenue			3627		
New York, N	Y 10176		DATE MAILED: 01/19/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

	8	90
X	Application No.	Applicant(s)
Office Action Summany	09/747,218	MEYERS, STEPHEN
Office Action Summary	Examiner	Art Unit
The MAILING DATE of this communication app	Andrew Joseph Rudy	3627
Period for Reply	ears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timety. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on 22 No 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final.	
Disposition of Claims		
4) ☐ Claim(s) 21-28 and 35-37 is/are pending in the 4a) Of the above claim(s) is/are withdrav 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 21-28 and 35-37 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.	
Application Papers		
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the orange Replacement drawing sheet(s) including the correction of the orange replacement or declaration is objected to by the Example 11).	epted or b) objected to by the to describe or b) objected to by the to drawing(s) be held in abeyance. See ion is required if the drawing(s) is object.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive i (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)		
Notice of References Cited (PTO-892)	4) Interview Summary	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate latent Application (PTO-152)

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on November 22, 2004 has been entered. Thus, the previous rejection is withdrawn pursuant to Applicant's amendment and REMARKS. Applicant cancelled claims 1-20 and 29-34.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-28 and 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21, lines 1-2, "network recreation environment" is not clear as to its meaning.

Application/Control Number: 09/747,218 Page 3

Art Unit: 3627

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-28 and 35-37, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom et al., US 6,463,078 in view of Faris et al., US 6,659,861.

Engstrom discloses a game system for terminals to interact in a network recreation environment, e.g. col. 2, lines 35-67; Fig. 3, cols. 6-7, 10-11, with users, 20, 22, 24; col. 16, lines where a function, i.e. "GetPlayerCaps," retrieves a players connection speeds, in a virtual location, col. 7, lines 40-49; Fig. 4B. Engstrom does not specifically disclose the terms "implementing a delay time" as recited from claim 21. However, Engstrom discloses alternative protocols, e.g. cols. 17-18, and a latency issue, e.g. col. 21, col. 28, lines 51-67.

Faris discloses a global gaming system comprising latency, i.e. delay time issues, for providing time and space stamped responses.

To have provided a delay time in the transmission of messages for simulating transmission delays in a game, i.e. recreation environment, would have been obvious to one of ordinary skill in the art in view of Faris. The motivation for doing such would have been to incorporate common knowledge time and space responses in a game

Art Unit: 3627

environment. Regarding the particulars of the dependent claims to have provided such common knowledge would have been obvious to one of ordinary skill in the art, e.g. claim 22, inputting a name of a proximate city from a list of cities.

4. Further references of interest are noted on the attached PTO-892.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Lindy